

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LISA MONIQUE JUSTIN, individually, as
successor to ANDRE MAURICE BROWN, et
al.,

Plaintiff(s),

vs.

CITY AND COUNTY OF SAN FRANCISCO,
et al.,

Defendant(s).

No. C 05-4812 MEJ

**ORDER RE: PLAINTIFF'S OPPOSITION
TO SUMMARY JUDGMENT**

**ORDER VACATING PRETRIAL AND
TRIAL DATES**

On September 13, 2007, Defendants filed a motion for summary judgment, with a noticed hearing date of October 18. As Plaintiff failed to file an opposition, the Court ordered Plaintiff to show cause why sanctions should not be imposed, including granting Defendants' summary judgment motion. On October 11, 2007, Plaintiff's counsel filed a responsive declaration, in which he stated that the failure to file an opposition was due to his inability to prepare adequately for the case without additional or substitute counsel. Plaintiff's counsel requested an additional thirty days to find additional or substitute counsel.

Upon review of the declaration, the Court vacated the OSC and granted Plaintiff's counsel a thirty-day extension to file an opposition. The Court ordered Plaintiff to file any opposition by November 15, 2007, permitted Defendants until November 29 to file a reply, and scheduled a hearing on December 13, 2007.

Nearly two weeks have passed since the extended deadline, yet Plaintiff has not filed an opposition. Further, a review of the docket shows that Plaintiff's counsel has not requested, let alone

1 shown good cause for, a further extension. Accordingly, the Court finds that Plaintiff is not
2 adequately prosecuting this action and sanctions may be appropriate. However, the Court shall
3 permit Plaintiff a final opportunity to file an opposition. The Court ORDERS Plaintiff to file any
4 opposition by December 13, 2007. Defendants shall file any reply by January 3, 2007, and the Court
5 shall conduct a hearing on January 17, 2007 at 10:00 a.m. in Courtroom B. All other pretrial and
6 trial dates are VACATED.

7 As this is the third opportunity to file an opposition, any failure to comply with this deadline
8 **shall** result in dismissal of this case for failure to prosecute, pursuant to Federal Rule of Civil
9 Procedure 41.

10 **IT IS SO ORDERED.**

11 Dated: November 26, 2007

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13 MARIA ELENA JAMES
14 United States Magistrate Judge
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